

4115-122-DIV2

Section II. (Remarks)**Amendment of Claim 45**

Claimant 45 has been amended herein, pursuant to the examiner's requirement thereof (page 2, first paragraph in the August 1, 2005 Office Action), so that such claim depends from claim 38.

Response to Restriction Requirement

In the August 1, 2005 Office Action, the Examiner has imposed a restriction against the claims 1-62 previously on file, as between:

Group I. Claims 1-7 and 61, drawn to a method of prevention or treatment of HIV infection comprising administering a chemokine, and anti-viral drug, and a lipolipopolysaccharide (LPS) variant, classified in class 424, subclass 283.1.

Group II. Claims 8-13 and 62, in part, drawn to a method of making a lipolipopolysaccharide variant, classified in class 424, subclass 283.1.

Group III. Claims 1-7, 61, in part, 19 and 21, drawn to a method of prevention and treatment of HIV infection comprising administering a chemokine, an anti-viral drug, and a lipolipopolysaccharide derivative, classified in class 424, subclass 283.1.

Group IV. Claims 14-18, 20 and 22, drawn to a method of making a lipolipopolysaccharide derivative, classified in class 424, subclass 283.1.

Group V. Claims 1-7 and 61, in part, and 23-28, drawn to a method of prevention and treatment of HIV infection comprising administering a chemokine, an anti-viral drug, and a lipolipopolysaccharide analog, classified in class 424, subclass 283.1.

4115-122-DIV2

Group VI. Claim 29, in part, drawn to a method of prevention and treatment of HIV using the combination of a lipolipopolysaccharide analog and derivative, classified in class 424, subclass 283.1.

Group VII. Claim 29, in part, drawn to a method of prevention and treatment of HIV using the combination of a lipolipopolysaccharide analog and variant, classified in class 424, subclass 283.1.

Group VIII. Claim 29, in part, drawn to a method of prevention and treatment of HIV using the combination of a lipolipopolysaccharide derivative and variant, classified in class 424, subclass 283.1.

Group IX. Claims 30 and 31, drawn to a method of prevention and treatment of HIV using the combination of a lipolipopolysaccharide antagonist and a second structure containing lipolipopolysaccharide of lipid A, classified in class 424, subclass 283.1.

Group X. Claims 32-37, drawn to a method of assaying a preparation comprising a variant, derivative or analog of lipolipopolysaccharide or lipid A, classified in class 424, subclass 283.1.

Group XI. Claims 38-44, in part, and 45-54, drawn to a pharmaceutical composition comprising a variant of lipolipopolysaccharide or lipid A which stimulates β -chemokine secretion but not pyrogenic cytokine release, and a chemokine, classified in class 424, subclass 283.1.

Group XII. Claims 38-44, in part, and 55-57, drawn to a pharmaceutical composition comprising a derivative of lipolipopolysaccharide or lipid A which stimulates β -chemokine secretion but not pyrogenic cytokine release, and a chemokine, classified in class 424, subclass 283.1.

Group XIII. Claims 38-44, in part, and 58-60, drawn to a pharmaceutical composition comprising an analog of lipolipopolysaccharide or lipid A which stimulates β -chemokine

4115-122-DIV2

secretion but not pyrogenic cytokine release, and a chemokine, classified in class 424, subclass 283.1.

In response, **applicants elect Group I claims 1-7 and 61.**

Concerning the requirement for election of a single disclosed species, as the variant, derivative, or analog of the lipopolysaccharide or lipid A, applicants elect the variant lipopolysaccharide isolated from the E. coli double mutant MLK 986. The claims readable thereon are claims 1-7 and 61.

Concerning the election of a specific chemokine, applicants elect RANTES. The claims readable thereon are claims 1-7 and 61.

Concerning election of a specific antiviral drug, applicants elect AZT. The claims readable thereon are claims 1-7 and 61.

Request for 5-Months Extension of Time under 37 C.F.R. 1.136(a)

Applicants hereby request a 5-months extension of time under the provisions of 37 C.F.R. 1.136, thus extending the time for responding to the August 1, 2005 Office Action to February 1, 2006.

A Credit Card Form authorizing the amount of \$1,080.00 for payment of the applicable fee specified in 37 CFR 1.17(a) (5) for such extension of time is enclosed and submitted herewith.

Authorization also is hereby given to charge the amount of any deficiency or any amount additionally payable in connection with the filing and entry of this response to Deposit Account No. 08-3284 of Intellectual Property/Technology Law.

4115-122-DIV2

CONCLUSION

Consistent with the foregoing election of claims and species, it is requested that the non-elected subject matter of the claims be held in abeyance, pending the filing of a further divisional or continuing application directed to such subject matter, during the pendency of this application or a further application based on and claiming priority of this application.

If any additional issues remain, the Examiner is requested to contact the undersigned attorney at (919) 419-9350 to discuss same, in order that the prosecution of this application is expedited.

It therefore is requested that examination proceed on the basis of claims 1-7 and 61 of the application.

Respectfully submitted,



Steven J. Hultquist
Reg. No. 28,021
Attorney for Applicants

INTELLECTUAL PROPERTY/
TECHNOLOGY LAW
Phone: (919) 419-9350
Fax: (919) 419-9354
Attorney File No.: 4115-122-DIV2